REMARKS/ARGUMENTS

I. General Remarks and Remarks Regarding the Restriction Requirement

Applicants respectfully request that the above amendments be entered and further request reconsideration of the application in view of the amendments and the remarks contained herein.

On November 3, 2005, during a telephone conversation with the Examiner, claims 12-35 were provisionally elected in response to the Examiner's restriction requirement. This provisional election is hereby confirmed and claims 1-11 have been cancelled. Applicants respectfully reserve the right to present the cancelled claims in one or more continuing applications.

II. Disposition of the Claims

Claims 1-35 were pending in this application. Claims 1-11, 14, 17-18, 26, and 29-30 have been cancelled herein. Claims 12, 19, 23-24, 31 and 35 have been amended. All the above amendments are made in a good faith effort to advance the prosecution on the merits of this case.

Applicants reserve their rights to take up prosecution on the claims as originally filed in this or an appropriate continuation, continuation-in-part, or divisional application. Applicants respectfully submit that all the pending claims are in condition for allowance.

III. Objections to the Specification

The Examiner has objected to the specification on the grounds that the specification is inconsistent in the description of the amount of residue in the compositions. (Office Action, page 3.) Applicants have amended the specification and the abstract to correct for this inadvertent inconsistency. The Examiner also noted that there is no "Detailed Description" section in the specification. (Office Action, page 3.) Applicants have amended the specification to add the section title "Description of Preferred Embodiments." Applicants thank the Examiner for his astute recognition of these inadvertent errors. Applicants assert that the correction of this inadvertent error adds no new matter to the specification.

The Examiner also stated that "the second sentence of the Abstract and paragraphs 8 and 20 in the body of the specification appear to contradict themselves - a residue cannot be present as an insoluble residue and also be dissolved at the same time." (Office Action, page 3.) Applicants would like to clarify that the stated residue is a "water

insoluble residue." The addition of a base to the viscous gelled treating fluid raises the pH of the water and allows the "water insoluble residue" to substantially dissolve within the solution. Applicants have amended the specification to clarify that the "insoluble residue" is a "water insoluble residue." Accordingly, Applicants respectfully request the withdrawal of these objections.

IV. Remarks Regarding the Rejection of Claims Under 35 U.S.C. § 112

Claims 12-35 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. (Office Action, page 4.) Although Applicants believe that these claims were sufficiently definite, Applicants have amended claims 12, 23, 24, and 35 in this Response to further clarify these claims.

V. Remarks Regarding the Rejection of Claims 12-35 Under 35 U.S.C. § 102

A. Claims 12-21, 23-33, and 35 Are Not Anticipated by Briscoe in U.S. Patent No. 4,336,145.

The Examiner has rejected claims 12-21, 23-33, and 35 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,336,145 issued to Briscoe (hereinafter "*Briscoe*").

With respect to claims 12-21, 23-33, and 35, the Examiner states:

> Briscoe teaches a liquid gel concentrate comprised of water, a hydratable polymer and an inhibitor which retards the rate of hydration of the polymer; a pH change by dilution and/or addition of a pH changing chemical are some ways to reverse the effect of the inhibitor.
>
> (Office Action, page 5.)

In order to form a basis for a rejection under 35 U.S.C. § 102(b), a prior art reference must disclose each and every element as set forth in the claim. MANUAL OF PATENT EXAMINING PROCEDURE § 2131 (2004). *Briscoe* does not disclose each and every element as set forth in as amended claims 12 and 24 because *Briscoe* does not disclose "a viscous gelled treating fluid substantially devoid of a water insoluble gelling agent residue comprising water, a hydrated gelling agent wherein the hydrated gelling agent is a polysaccharide selected from the group consisting of galactomannan gums and derivatives thereof, and a base." Rather, *Briscoe* discloses a liquid gel concentrate and a method of preparing a treating fluid from this concentrate wherein the treating fluid would not be substantially devoid of a water insoluble gelling agent

residue because of the disclosed manner in which the treating fluid is prepared. *See Briscoe*, col. 7, lines 15-col. 8, line 17. Given that *Briscoe* does not teach all the claim limitations of the present invention, this reference cannot anticipate Applicants' claims.

Therefore, Applicant respectfully submits that these claims are patentable over this reference. Moreover, since "a claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers," and since claims 13-21, 23, 25-33, and 35 depend, either directly or indirectly, from claim 12 or 24, these dependent claims are allowable for at least the same reasons. *See* 35 U.S.C. § 112 ¶ 4 (2004). Accordingly, Applicant respectfully requests the withdrawal of these rejections.

B. Claims 12-14, 17-18, 20-22, 24-26, 29-30, and 32-34 are Not Anticipated by Loftin et al. in U.S. Patent No. 4,440,649.

The Examiner has rejected claims 12-14, 17-18, 20-22, 24-26, 29-30, and 32-34 under 35 U.S.C. § 102(b) as being anticipated by Loftin in U.S. Patent No. 4,440,649 (hereinafter "*Loftin*").

With respect to claims 12-14, 17-18, 20-22, 24-26, 29-30, and 32-34, the Examiner states:

> Loftin teaches well fluids comprising water, a viscosifier, a fluid loss reducer, a clay stabilizer and other components, such as a base to adjust the pH of the composition (see column 2, lines 3-14).
>
> (Office Action, page 7.)

In order to form a basis for a rejection under 35 U.S.C. § 102(b), a prior art reference must disclose each and every element as set forth in the claim. MANUAL OF PATENT EXAMINING PROCEDURE § 2131 (2004). *Loftin* does not disclose each and every element as set forth in as amended claims 12 and 24 because *Loftin* does not disclose "a viscous gelled treating fluid substantially devoid of a water insoluble gelling agent residue comprising water, a hydrated gelling agent wherein the hydrated gelling agent is a polysaccharide selected from the group consisting of galactomannan gums and derivatives thereof, and a base." Rather, *Loftin* is directed to a drilling and completion fluid wherein the viscosity increasing agent is xanthum gum, hydroxyethylcellulose, sepiolite clay, attapulgite, or montmorillonite clay. (*Loftin*, col. 2, lines 19-21.) Given that *Loftin* does not teach all the claim limitations of the present invention, this reference cannot anticipate Applicants' claims.

Therefore, Applicant respectfully submits that these claims are patentable over this reference. Moreover, since "a claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers," and since claims 13-14, 17-18, 20-22, 25-26, 29-30, and 32-34 depend, either directly or indirectly, from claim 12 or 24, these dependent claims are allowable for at least the same reasons. *See* 35 U.S.C. § 112 ¶ 4 (2004). Accordingly, Applicant respectfully requests the withdrawal of these rejections.

VI. Remarks Regarding the Rejection of Claims 12-35 Under 35 U.S.C. § 103

The Examiner has rejected claims 12-35 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,336,145 issued to *Briscoe*.

With respect to claims 12-35, the Examiner states:

> Briscoe has been discussed in detail above. This reference teaches all the limitations of the rejected claims, except for the specific pH range of claims 22 and 34 of about 10-13. As stated above, Briscoe does teach the pH range of about 9 to about 14 which encompasses that of claims 22 and 34. It would have been obvious to one of ordinary skill in the art that a pH of the range of claims 22 and 34 would be included in the larger range taught by Briscoe, and this skilled artisan would have been motivated to make fluids accordingly, this rendering claims 22 and 34 obvious.

(Office Action, page 8.) Applicants respectfully disagree.

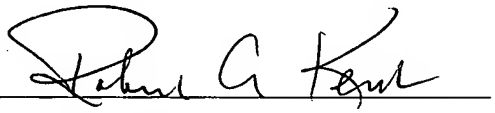
In order for a combination of references to form the basis for a rejection under §103(a), the combination of references must teach or suggest all of the elements of the claim. MPEP § 2143 (2004). As discussed in Section V.A above, *Briscoe* does not teach or suggest "a viscous gelled treating fluid substantially devoid of a water insoluble gelling agent residue comprising water, a hydrated gelling agent wherein the hydrated gelling agent is a polysaccharide selected from the group consisting of galactomannan gums and derivatives thereof, and a base." Rather, *Briscoe* discloses a liquid gel concentrate and a method of preparing a treating fluid from this concentrate wherein the treating fluid would not be substantially devoid of a water insoluble gelling agent residue because of the disclosed manner in which the treating fluid may be prepared. *See Briscoe*, col. 7, lines 15-col. 8, line 17. Given that *Briscoe* does not teach all the claim limitations of the present invention, this reference cannot obviate Applicants' claims. Accordingly, Applicant respectfully requests the withdrawal of these rejections.

SUMMARY

In light of the above remarks and amendments, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections and objections. Applicants further submit that the application is now in condition for allowance, and earnestly solicit timely notice of the same. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

Applicants believe that no additional fees are due in association with the filing of this Response. However, should the Commissioner deem that any additional fees are due, including any fees for extensions of time, the Commissioner is authorized to debit the Deposit Account of Halliburton Energy Services, Inc., No. 08-0300, for any underpayment of fees that may be due in association with this filing.

Respectfully submitted,



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